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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JACOB IVAN SCHMITT,

12 Petitioner,

13 v.

14 MIKE OBENLAND,

15 Respondent.

16 CASE NO. 3:18-cv-05602-BHS-JRC

17 ORDER GRANTING MOTION TO
18 CONTINUE STAY

19 The District Court has referred this petition for a writ of habeas corpus filed under 28
20 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. *See* Dkt. 3. The authority
21 for the referral is 28 U.S.C. §§ 636(b)(1)(A) and (B) and local Magistrate Judge Rules 3 and 4.

22 Petitioner filed this petition in July 2018. *See* Dkt. 1. This Court subsequently granted
23 respondent's motion to stay—and then extended the stay to August 9, 2019—on the basis that
24 petitioner was still exhausting his state court remedies. *See* Dkt. 11. Petitioner did not object to
either the initial motion to stay or the later extension of the stay. *See* Dkt.

1 Respondent again requests an extension of the stay on the basis that petitioner's personal
2 restraint petition ("PRP") "remains pending in the court of appeals and will likely remain
3 pending in the foreseeable future." Dkt. 15, at 2. Respondent has provided information about
4 petitioner's PRP status in the state court of appeals to support its request. *See* Dkt. 15-1. Again,
5 petitioner does not object. *See* Dkt.

6 This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
7 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–
8 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds
9 good cause to grant respondent's request. Therefore, it is ORDERED,

10 (1) The stay in this matter is extended to **January 10, 2020**. Respondent shall file a
11 report advising the Court of the status of petitioner's state court relief and, if necessary, a motion
12 to extend the stay on or before **December 27, 2019**.

13 (2) Should the state court terminate review of petitioner's state court filing, either
14 petitioner or respondent shall inform the Court and request that the stay be lifted within 30 days
15 of the state court's decision.

16 (3) The Clerk shall note the deadlines set by this Order on the docket for this matter.

17 Dated this 9th day of August, 2019.



19 J. Richard Creatura
20 United States Magistrate Judge
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